

**Notice of Allowability**

Application No.

10/526,509

Examiner

SULAIMAN NOORISTANY

Applicant(s)

TANAKA ET AL.

Art Unit

2446

**- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/5/2009.
2. ☒ The allowed claim(s) is/are 1, 3-12, 15, 17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/S. N./  
Examiner, Art Unit 2446

/Jeffrey Pwu/  
Supervisory Patent Examiner, Art Unit 2446

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph Price on July 06, 2009.

The application has been amended as follows:

**In claim 15,**(Currently Amended) A data replacement output method, comprising: a receiving step for receiving a data stream including replacement object data and non-replacement-object data, the replacement object data being a constituent element of a data broadcast program and being replaceable with replacement data, the non-replacement object data being a constituent element of the data broadcast program and being not replaceable with replacement data; and an output control step for replacing the replacement object data included in the data stream with the replacement data, and outputting the data stream after the replacement at a bit rate which is same as a bit rate at which the data stream was received, wherein

the data stream is transmitted by a carousel transmission method, each of the replacement object data, the non-replacement-object data, and the replacement data is composed of a plurality of units of data having the same size, and

the output control step, when a reference time is defined as a time when a total number of units of data constituting the replacement data having been output becomes equal to a total number of units of data constituting the replacement object data having been received, makes a comparison between (i) a total number of units of data constituting the replacement object data that have been received during a time period from a newest reference time to a current time and (ii) a total number of units of data constituting the replacement data that have been output during the time period, outputs the non-replacement-object data when (ii) the total number of units of data constituting the replacement data is larger than (i) the total number of units of data constituting the replacement object data, and outputs the replacement data when (ii) the total number of units of data constituting the replacement data is no larger than (i) the total number of units of data constituting the replacement object data [1.];

wherein the output control unit includes:

a judging sub-unit operable to, each time a unit of data is received, judge whether the received unit of data constitutes the replacement object data;

a comparing sub-unit operable to compare the total number of units of data constituting the replacement object data that have been received during the time period with the total number of units of data constituting the replacement data that have been output during the time period, and

a data output sub-unit operable to output the replacement data if it is found as a result of the comparison by the comparing sub-unit that the total number of units of data constituting the replacement data that have been output during the time period is no

larger than the total number of units of data constituting the replacement object data that have been received during the time period.

**In claim 17** (currently amended) A computer-readable storage [[recording]] medium recorded with a program for causing a data replacement output apparatus to perform a data replacement output process, the data replacement output process comprising:

a receiving step for receiving a data stream including replacement object data and non-replacement-object data, the replacement object data being a constituent element of a data broadcast program and being replaceable with replacement data, the non-replacement object data being a constituent element of the data broadcast program and being not replaceable with replacement data; and

an output control step for replacing the replacement object data included in the data stream with the replacement data, and outputting the data stream after the replacement at a bit rate which is same as a bit rate at which the data stream was received, wherein the data stream is transmitted by a carousel transmission method, each of the replacement object data, the non-replacement-object data, and the replacement data is composed of a plurality of units of data having the same size, and the data replacement output control program comprising:

the output control step, when a reference time is defined as a time when a total number of units of data constituting the replacement data having been output becomes equal to a total number of units of data constituting the replacement object data having been received, makes a comparison between (i) a total number of units of data

constituting the replacement object data that have been received during a time period from a newest reference time to a current time and (ii) a total number of units of data constituting the replacement data that have been output during the time period, outputs the non-replacement-object data when(ii) the total number of units of data constituting the replacement data is larger than (i) the total number of units of data constituting the replacement object data, and outputs the replacement data when (ii) the total number of units of data constituting the replacement data is no larger than (i) the total number of units of data constituting the replacement object data[.];

wherein the output control unit includes:

a judging sub-unit operable to, each time a unit of data is received, judge whether the received unit of data constitutes the replacement object data;

a comparing sub-unit operable to compare the total number of units of data constituting the replacement object data that have been received during the time period with the total number of units of data constituting the replacement data that have been output during the time period, and

a data output sub-unit operable to output the replacement data if it is found as a result of the comparison by the comparing sub-unit that the total number of units of data constituting the replacement data that have been output during the time period is no larger than the total number of units of data constituting the replacement object data that have been received during the time period.

***Allowable Subject Matter***

Claims 1, 3-12, 15, 17 are allowed.

Claim 2 is deleted.

Claims 13-14, 16, 18-23 are cancelled.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sulaiman Nooristany whose telephone number is (571) 270-1929. The examiner can normally be reached on M-F from 9 to 5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Pwu, can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sulaiman Nooristany      09/30/2009

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2446